

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18352 of 2026

Arising Out of PS. Case No.-889 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. Savita Devi Son of Chandan mahto Resident of Village - Fulwar Gamariya,
P.S. - Banjaria, Dist. - East Champaran.
 2. Lakhi Mahto @ Lucky Mahto Son of Chandan Mahto Resident of Village -
Fulwar Gamariya, P.S. - Banjaria, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
23.10.2025 in connection with Turkauliya (Banjaria) P.S. Case
No. 889 of 2019, F.I.R. dated 13.12.2019 for the offences
punishable under Sections 363, 365 and 34 of the IPC and later
on Sections 364, 302, 201 and 120B of the IPC were added.

3. According to prosecution case, this informant
suspects that his minor daughter aged about 5 years has been
kidnapped by the accused persons including these petitioners.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. From perusal of the F.I.R it appears that the name of the petitioners have been transpired merely on the basis of suspicion and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that for the same set of allegations the similarly situated, co-accused, namely, Chandan Mahto has been granted bail by Co-ordinate Bench of this Court vide order dated 12.11.2020 passed in Cr. Misc. No. 29844 of 2020 and another co-accused, namely, Kameshwar Mahto has also been granted bail by a Co-ordinate Bench of this Court vide order dated 28.10.2024 passed in Cr. Misc. No. 60338 of 2024. The petitioners are in custody since 23.10.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific



allegation against the petitioners rather there is general and omnibus allegation against them and similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 889 of 2019, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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